

IN THE MATTER OF

 Amended

**Order on Petition for
Protective Placement or
Protective Services**

Date of Birth _____

Case No. _____

This matter is before the court on a Petition for Protective Placement/Protective Services and a hearing has been held. The court has considered the comprehensive evaluation, community plan, if required, testimony and other evidence presented and the guardian ad litem's report and recommendation.

THE COURT FINDS:**1. JURISDICTION, VENUE, NOTICE AND EVALUATIONS TO COURT.**

- A. This court does does not have jurisdiction of the subject matter and of the person of the individual.
- B. This court is is not a proper venue.
- C. Notice was was not properly served.
- D. The individual is:
 present.
 not present and the court accepts the waiver of presence by the guardian ad litem.
- E. Additional evaluations are not necessary.

 2. FOR PROTECTIVE PLACEMENT.

- A. The individual **does not meet the standards** for protective placement or need protective placement.
- B. The individual **has a need** for protective placement as follows:
1. The individual is eligible for protective placement because the individual has attained the age of 18 or is alleged to have a developmental disability and has attained the age of 14.
 2. A petition for adult protective placement is being initiated not more than 6 months prior to the individual's birthday at which the individual first becomes eligible for placement.
 3. A separate petition to transfer a foreign guardianship has been filed whether the individual is present in the state or not.
 4. The individual has been adjudicated incompetent in Wisconsin:
 - on this date _____.
 - within the last 12 months of the filing of this petition for protective placement or services.
 - more than 12 months prior to the filing of this petition for protective placement or services and the court has reviewed the finding of incompetency and finds the individual continues to be incompetent.
 - except in the case of a minor who is alleged to have a developmental disability.
 5. The individual **meets the standards** for protective placement because:
 - the individual has a primary need for residential care and custody.
 - except in the case of a minor that is age 14 or older, who is alleged to have a developmental disability, the individual has either been adjudicated to be incompetent by a circuit court or a petition for guardianship has been submitted on the minor's behalf;
 - as a result of a developmental disability
 - degenerative brain disorder
 - serious and persistent mental illness
 - other like incapacities

the individual is so totally incapable of providing for the individual's own care or custody as to create a substantial risk of serious harm to the individual or others. Serious harm may be evidenced by overt acts or acts of omission.

 - the individual has a disability that is permanent or likely to be permanent.

6. The least restrictive placement consistent with the individual's needs is placement in:
 an unlocked unit. a locked unit because: _____

7. The recommended placement in the least restrictive environment and in the least restrictive manner consistent with the needs of the individual to be protected and with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds is: (Name and address of placement) _____

8. The individual is determined to have a developmental disability and the most integrated setting appropriate for the individual's needs, and with the resources of the county department, and the limits of available state and federal funds, and county funds required to be appropriated to match state funds, is placement in:
 Center for developmentally disabled individuals.
 Nursing facility.
 Intermediate care facility.
 Non-institutional community placement.
 Other: _____

3. FOR PROTECTIVE SERVICES.

A. The individual **does not meet the standards** for protective services or need protective services.

B. The individual needs protective services and **meets the standards** for protective services because:
• the individual has been determined to be incompetent or is a minor alleged to have a developmental disability and a petition for guardianship has been submitted, **and**
• as a result of a developmental disability
 degenerative brain disorder
 serious and persistent mental illness
 other like incapacities
the individual will incur a substantial risk of physical harm or deterioration or will present a substantial risk of physical harm to others if protective services are not provided.

4. PETITIONER'S ATTORNEY FEES AND COSTS.

It is equitable inequitable to award payment of petitioner's reasonable fees and costs from the individual's income and assets.

IT IS ORDERED:

The petition is: denied. granted as follows:

1. FOR PROTECTIVE PLACEMENT.

The county department or agency with which it contracts under §55.02(2), Wisconsin Statutes, or its designee shall provide protective placement to the individual in the least restrictive environment and in the least restrictive manner consistent with the needs of the individual and with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds.

2. FOR PROTECTIVE SERVICES.

The county department or agency with which it contracts under §55.02(2), Wisconsin Statutes, or its designee shall provide protective services to the individual in the least restrictive environment and in the least restrictive manner consistent with the needs of the individual and with the resources of the county department, including the limits of available state and federal funds, and county funds required to be appropriated to match state funds.

3. FEES AND COSTS.

- A. The protective placement is not granted. The petitioner shall pay the compensation of the guardian ad litem and the individual's legal counsel.
- B. Protective placement or protective services have been ordered.
 - 1. Reasonable compensation of the guardian ad litem and individual's counsel shall be paid from the individual's income or assets, if sufficient. If the individual's income or assets are insufficient, the guardian ad litem shall be paid by the county of venue and the individual's counsel shall be paid at public expense or by the county of venue.
 - 2. Petitioner's reasonable attorney fees and costs shall be paid:
 - by the petitioner.
 - from the individual's income or assets.
- C. Other: _____

THIS IS A FINAL JUDGMENT/ORDER FOR PURPOSES OF APPEAL.

Name of Attorney	
Address	
Telephone Number	Bar Number

BY THE COURT:

Circuit Court Judge/Circuit Court Commissioner

Name Printed or Typed

Date